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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,154	09/24/2003	Atsushi Koyama	P24305	2797

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EXAMINER

HECKENBERG JR, DONALD H

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,154

Applicant(s)

KOYAMA ET AL.

Examiner

Donald Heckenberg

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date =
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Art Unit: 1722

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Japanese Pub. No. 2003-011169 (previously made of record in an IDS filed by Applicant; hereinafter "JP '169"). Reference below will be made to the drawings of this reference, as well as the English abstract which has also been previously made of record.

Initially it is noted that claims 1 and 3 recite that the stamper has an insertion hole which is larger in diameter than an outer diameter of the cavity-side end of the stamper holder when the stamper has a higher temperature than a normal temperature, and that the stamper has an insertion hole has a smaller diameter than an outer diameter of the cavity-side end of the stamper holder at a normal temperature. This description has been interpreted to mean that the stamper insertion hole has

Art Unit: 1722

these size properties when not placed on the stamper holder. It would be physically impossible for the stamper insertion hole to be smaller in diameter than the outer diameter of the stamper holder when the stamper is actually positioned on the stamper holder.

JP '169 discloses a mold assembly for making an optical disk. The mold assembly comprises a first mold (23) having a mounting portion and a second mold (22) closed together with the first mold to thereby define a cavity (24) between the molds. A stamper (25) having a molding surface forming the information to be imparted to the molded optical disk. A stamper holder (27) is also provided for holding the stamper, with the stamper holder being formed to have a generally hollow cylindrical shape such that the stamper holder can be mounted to the mounting portion of the first mold.

JP '169 further discloses that the stamper has an insertion hole formed through a central portion thereof, the insertion hole having a diameter d_1 which is larger than an outer diameter d_2 of the cavity side end of the stamper holder when the stamper has a higher temperature than a normal temperature, and is reduced to be slightly smaller than the outer diameter d_2 when the stamper has the normal temperature (see abstract).

JP '169 also discloses the stamper holder to be configured such that the outer diameter of the cavity side end is smaller than an outer diameter of an end of the stamper holder opposite to the cavity-side end (see Fig. 1b).

Note, Applicants cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. MPEP § 201.15.

3. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest a mold assembly as recited in claims 5 and 6. The closest prior art disclosed by JP '169 is described above. JP '169 fails to teach or suggest the mold to be as such that a cavity-side end face of the stamper holder to be slightly protruded toward the cavity with respect to a cavity-side end face of the sprue bushing, and wherein the molding surface of the stamper to be slightly

Art Unit: 1722

protruded toward the cavity with respect to the cavity-side end face of the stamper holder. None of the other prior art of record discloses or suggests this as well.

5. The following reference cited but not relied upon is deemed pertinent to the instant application:

Takahashi (U.S. Pat. No. 5,466,145) discloses a convention mold for making optical disks.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech, can be reached at (571) 272-1137. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 1722

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<<http://pair-direct.uspto.gov>>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


Donald Heckenberg
A.U. 1722